



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Fifteenth Meeting Day

Thursday Morning

February 6, 2003

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Representative Matthew D. Whetstone.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ☐
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning ☐	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle ☐	Whetstone
Hoffman	Wolkins ☐
Kersey	D. Young ☐
Klinker	Yount
Koch	Mr. Speaker

Roll Call 56: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 10, 2003, at 1:30 p.m.

HARRIS

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 3, 6, 87, 121, 136, 141, 161, 180, 220, 222, 224, 238, 318, 349, 354, 455, 474, and 532 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 94, 117, 120, 257, 267, and 311 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 8, 11, and 12 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "midnight" and insert "1:00 a.m.".

Page 1, line 11, delete "whose sale is prohibited by section 8 of this" and insert ".".

Page 1, delete line 12.

(Reference is to HB 1021 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "preferably by burning." and insert **"in the manner prescribed for the destruction of an American flag."**

Page 1, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. (a) The United States flag may be displayed in each classroom of each school in a school corporation.**

**(b) The governing body of each school corporation may provide a daily opportunity in each classroom of the school corporation for students to voluntarily recite the Pledge of Allegiance. A student is exempt from participation in the recitation of the Pledge of Allegiance and may not be required to participate in the recitation of the Pledge of Allegiance if:**

- (1) the student chooses not to participate; or**
- (2) the student's parent chooses not to have the student participate.**

SECTION 3. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) In order to guarantee the right of every pupil to the free exercise of religion within the schools and to subject the freedom of each individual pupil to the least possible pressure from the state either to engage in or to refrain from religious observation on school grounds, the governing body of each school corporation may establish the daily observance of a thirty (30) second period of silence in each classroom of the school corporation.**

**(b) During the thirty (30) second period of silence that subsection (a) provides, the teacher responsible for a classroom shall ensure that all students remain seated and silent and make no distracting display to the end that each student may, in the exercise of the student's individual choice, engage in any silent activity that does not interfere with, distract, or impede other students in their exercise of individual choice.**

SECTION 4. IC 20-10.1-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8. ~~Voluntary Religious Observance - Authorized.~~ A voluntary religious observance is permitted in each school corporation if the school corporation follows sections 9 and 10 and 11 of this chapter and any additional procedures which it adopts to assure that the observance is voluntary.**

SECTION 5. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY 1, 2003]."

(Reference is to HB 1056 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 35-46-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:**

- (1) blindness or any other visual impairment;**
- (2) deafness or any other aural impairment;**
- (3) a physical disability; or**
- (4) a medical condition;**

**relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.**

**(b) A person who knowingly or intentionally:**

- (1) interferes with the actions of a service animal; or**
- (2) strikes, torments, injures, or otherwise mistreats a service animal;**

**while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A ~~infraction~~ misdemeanor.**

**(c) An offense under subsection (b)(2) is a Class D felony if the act results in the:**

- (1) serious permanent disfigurement;**
- (2) unconsciousness;**
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or**
- (4) death;**

**of the service animal.**

**(d) It is a defense that the accused person:**

- (1) engaged in a reasonable act of training, handling, or disciplining the service animal; or**
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person."**

Page 2, line 13, delete "IC 35-46-3-11," and insert **"IC 35-46-3-11 and IC 35-46-3-11.5, both"**.

Page 2, line 14, delete "applies" and insert **"apply only"**.

Page 2, line 15, delete "1993." and insert **"2003."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1077 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1092, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "by first class mail".

Page 2, line 14, after "foreign" delete "judgment," and insert **"judgment, in the same process prescribed under Indiana Trial Rule 4.1,"**

Page 2, line 28, delete "mailed" and insert **"served"**.

(Reference is to HB 1102 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, after "report." insert **"This section does not apply to acts or omissions amounting to gross negligence or willful or wanton misconduct."**

(Reference is to HB 1154 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 7, after "Indiana." insert **"However, the lowest floor of a new residence constructed within a boundary river floodway referred to in subsection (a)(4) must be at least two (2) feet above the one hundred (100) year frequency flood elevation."**

(Reference is to HB 1222 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BOTTORFF, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1260, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. IC 35-38-2.5-5.5, AS ADDED BY P.L.137-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) A court may not place an offender who resides in a different county on home detention unless:

- (1) the offender is eligible for home detention in the county in which the person resides; and
- (2) supervision of the offender will be conducted by the probation department or community corrections program located in the county in which the offender resides.

**However, if the offender resides in a county that is contiguous to the sentencing court, the sentencing court may place the offender on home detention under the supervision of the probation department or community corrections program located in the county of the sentencing court.**

(b) If an offender is:

- (1) currently serving home detention in a county that operates a home detention program; and
- (2) being supervised by a probation department or community corrections program located in a different county;

the court shall order that supervision of the offender be transferred to the probation department or community corrections program located in the county where the offender resides. **However, if the offender is currently serving home detention in a county that is contiguous to the sentencing court, the sentencing court may place the offender on home detention under the supervision of the probation department or community corrections program located in the county of the sentencing court.**

(c) All home detention fees described in section 8 of this chapter shall be collected by the probation department or community corrections program that supervises the offender."

(Reference is to HB 1260 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "event" insert **"or practice, including travel to and from the event or practice that extends beyond 8:30 p.m."**

Page 1, line 7, delete "within".

Page 1, line 8, delete "the period" and insert **"during the fall semester ISTEP and Graduation Examination testing dates"**.

(Reference is to HB 1324 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency."**

Page 1, line 5, strike "(b)" and insert "(c)".

Page 1, line 16, strike "(c)" and insert "(d)".

(Reference is to HB 1325 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "county".

Page 2, line 4, delete "or".

Page 2, line 5, delete "." and insert ";".

Page 2, between lines 5 and 6, begin a new line block indented and insert:

- "(17) a volunteer firefighter (as defined in IC 36-8-12-2); or**
- (18) an emergency medical technician or a paramedic working in a volunteer capacity."**

(Reference is to HB 1331 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 3, after "podiatrist," insert **"chiropractor,"**

Page 9, line 10, after "cosmetologist," insert **"chiropractor,"**

Page 9, line 35, delete "activities;" and insert **"events;"**

Page 13, between lines 36 and 37, begin a new line block indented and insert:

- "(6) Provide evidence of membership in a professional massage and bodywork therapy association."**

Page 14, line 13, delete "and".

Page 14, line 15, delete "country." and insert **"country;"**

- (3) is of good moral character to the satisfaction of the board;**
- (4) provides a history of all the applicant's criminal convictions;**

(5) verifies the information submitted on the application form; and

(6) pays any fees established by the board.

A criminal conviction may not operate as a complete bar to the issuing of a license, except in the case of a conviction for prostitution, rape, or sexual misconduct, or if the applicant is a registered sex offender."

Page 14, line 39, delete "and".

Page 14, line 40, delete "board." and insert "board;

(3) be of good moral character to the satisfaction of the board;

(4) provide a history of all the applicant's criminal convictions;

(5) verify the information submitted on the application form; and

(6) pay any fees established by the board.

A criminal conviction may not operate as a complete bar to the issuing of a license, except in the case of a conviction for prostitution, rape, or sexual misconduct, or if the applicant is a registered sex offender."

Page 16, line 10, delete "IC 25-21.8-3-2(a)(1)," and insert "IC 25-21.8-3-2(1),".

Page 16, line 13, delete "IC 25-21.8-3-2(a)(2)," and insert "IC 25-21.8-3-2(2),".

Page 16, line 16, delete "IC 25-21.8-3-2(a)(1)," and insert "IC 25-21.8-3-2(1),".

Page 16, line 23, delete "1998," and insert "2000,".

Page 16, line 29, after "applicant" insert "pays any fees established by the board, provides a history of all the applicant's criminal convictions, and".

Page 17, line 1, after "years." begin a new line double block indented and insert:

**"(D) Provides a copy of a diploma, transcript, certificate, or other proof of completion of a school accredited by the Indiana commission on proprietary education established by IC 20-1-19-2."**

Page 17, delete lines 6 through 9.

(Reference is to HB 1355 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1402, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

WEINZAPFEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1464, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 16, delete "the disposal of unwanted firearms." and insert "firearm safety training."

(Reference is to HB 1464 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1465, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said bill be amended as follows:

Page 3, line 3, delete "and IC 36-8-8-14.1(h)" and insert "IC 38-8-8-14.1(h), and IC 36-8-10-16.5".

Page 5, line 33, after "2003," insert "offer to".

Page 6, line 4, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).".

Page 7, line 22, after "2003," insert "offer to".

Page 7, line 35, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).".

Page 9, line 19, after "2003," insert "offer to".

Page 9, line 32, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).".

Page 11, line 18, after "2003," insert "offer to".

Page 11, line 31, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).".

Page 13, line 4, after "2003," insert "offer to".

Page 13, line 17, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).".

Page 15, line 6, after "2003," insert "offer to".

Page 15, line 19, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).".

Page 16, line 26, after "2003," insert "offer to".

Page 16, line 39, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).".

Page 18, line 21, after "2003," insert "offer to".

Page 18, line 34, after "members." insert "The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).".

Page 18, after line 34, begin a new paragraph and insert:

"SECTION 10. IC 36-8-10-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16.5. (a) As used in this section, "dies in the line of duty" has the meaning set forth in IC 5-10-10-2.

(b) This section applies to the survivors of an eligible employee who dies in the line of duty.

(c) After December 31, 2003, the department that employed the eligible employee who died in the line of duty shall offer to provide and pay for health insurance coverage for the eligible employee's surviving spouse and for each natural child, stepchild, or adopted child of the eligible employee:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age, if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to an eligible employee, the health insurance provided to a surviving spouse or child under this subsection must be equal in coverage to that offered to an eligible employee. The offer to provide and pay for health insurance cover shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the eligible employee is eligible for coverage under subdivision (1), (2), or (3)."

(Reference is to HB 1465 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1515, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, delete lines 17 through 21, begin a new line double block indented and insert:

"(A) either:

(i) registered as an architect under IC 25-4;

(ii) registered as a professional engineer under IC 25-31; or

(iii) licensed as a plumbing contractor or journeyman plumber under IC 25-28.5; and

(B) acting within the scope of the individual's registration or license."

Page 9, delete lines 10 through 19, begin a new paragraph and insert:

"Sec. 6. "Home inspection" means a visual analysis for the purpose of providing a professional opinion of the condition of a residential dwelling and the dwelling's carports or garages, any reasonably accessible installed components, and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling, for the following components:

(1) Heating systems.

(2) Cooling systems.

(3) Electrical systems.

(4) Plumbing systems.

(5) Structural components.

(6) Foundations.

(7) Roof coverings.

(8) Exterior and interior components.

(9) Any other site aspects that affect the residential dwelling."

Page 9, line 21, after "a" insert "legibly".

Page 9, delete line 22 and insert "prepared for compensation and issued after a home inspection. The report must include the following:

(1) A report on any system or component inspected that, in the professional opinion of the inspector, is significantly deficient or near the end of the system or component's service life. A report under this subdivision must include the reason why the system or component is significantly deficient or near the end of the system or component's service life, unless the reason is self-evident.

(2) The inspector's recommendation on how to remedy or monitor a deficiency reported under subdivision (1).

(3) A list of any systems or components that were designated for inspection in the standards of performance adopted by the board but that were not inspected.

(4) The reason a system or component listed under subdivision (3) was not inspected."

Page 14, delete lines 10 through 13, begin a new line block indented and insert:

"(3) Pass the national home inspector examination offered by the examination board of professional home inspectors

or by another entity approved by the examination board of professional home inspectors. Passage of an examination before, on, or after July 1, 2003, satisfies this subdivision."

(Reference is to HB 1515 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1544, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 4.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1545, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 41 through 42.

Page 12, delete lines 1 through 6.

Page 23, between lines 6 and 7, begin a new paragraph and insert: "SECTION 21. IC 27-1-25.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

#### Chapter 25.1. Certain Insurer Responsibilities

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 27-1-25-1(b).

Sec. 2. As used in this chapter, "insurer" has the meaning set forth in IC 27-1-25-1(l).

Sec. 3. As used in this chapter, "person" refers to a person described in IC 27-1-25-1(a)(15).

Sec. 4. The insurer with which a person is affiliated is responsible for:

(1) the acts of the person; and

(2) providing the person's books and records to the commissioner.

SECTION 22. IC 27-1-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If an insurer refuses to renew a policy of insurance written by the insurer, the insurer shall provide written notice of nonrenewal to the insured:

(1) at least forty-five (45) days before the expiration date of the policy, if the coverage provided is for one (1) year, or less; or

(2) at least forty-five (45) days before the anniversary date of the policy, if the coverage provided is for more than one (1) year.

(b) A notice of nonrenewal is not required if:

(1) the insured is transferred from an insurer to an affiliate of the insurer for future coverage as a result of a merger, an acquisition, or a company restructuring;

(2) the transfer results in the same or broader coverage; and

(3) the insured approves the transfer.

SECTION 23. IC 27-7-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least twenty (20) days' advance notice of its intention not to renew. In the event such policy was procured by an agent duly licensed by the state of Indiana notice of intent not to renew shall be mailed or delivered to such agent at least ten (10) days prior to such mailing or delivery to the named insured unless such notice of intent is or has been waived in writing by such agent.

This section shall not apply: (a) if the insurer has manifested its willingness to renew; nor (b) in case of nonpayment of premium:

Provided, That, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies. **A notice of intention not to renew is not required if:**

- (1) the insured is transferred from an insurer to an affiliate of the insurer for future coverage as a result of a merger, an acquisition, or a company restructuring;**
- (2) the transfer results in the same or broader coverage; and**
- (3) the insured approves the transfer.**

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal."

Page 27, delete line 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1545 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 22-1-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:** Sec. 11. The commissioner of labor is authorized and directed to do the following:

(1) To investigate and adopt rules under IC 4-22-2 prescribing what safety devices, safeguards, or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all employments or places of employment, and to adopt rules under IC 4-22-2 applicable to either employers or employees, or both, for the prevention of accidents and the prevention of industrial or occupational diseases.

(2) Whenever, in the judgment of the commissioner of labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, to obtain any necessary technical or expert advice and assistance from the state department of health. The state department of health, upon the request of the commissioner of labor, shall furnish technical or expert advice and assistance to the commissioner and take the steps authorized or required by the health laws of the state.

**(3) Annually forward the report received from the mining board under IC 22-10-1.5-5(6) to the legislative council and request from the general assembly funding for necessary additional mine inspectors.**

**SECTION 2. IC 22-10-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:** Sec. 5. **(a)** The board shall:

- (1) execute and administer the laws of this state concerning coal mines;
- (2) collect and diffuse information concerning the nature, causes, and prevention of mine accidents and the improvements of methods, conditions, and equipment of mines with special reference to health and safety and the conservation of mineral resources and the economic conditions respecting mining and the mining industry;
- (3) promote the technical efficiency of all persons working in and about the mines of this state and to assist them to overcome the increasing difficulties of mining; **and**
- (4) submit any bills embodying legislation that the board may

agree upon to the general assembly;

- (5) assess and collect from underground coal mine operators the amount necessary to purchase and maintain underground mine rescue equipment; and**
- (6) annually report to the commissioner of the department of labor concerning any need for additional mine inspectors.**

**(b) The board shall mail written notice to underground coal mine operators of a meeting of the board at which assessments described in subsection (a)(5) are discussed.**

(Reference is to HB 1553 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. IC 22-4-11-1, AS AMENDED BY P.L.290-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:** Sec. 1. (a) For the purpose of charging employers' experience or reimbursable accounts with regular benefits paid subsequent to July 3, 1971, to any eligible individual but except as provided in IC 22-4-22 and subsection (f), such benefits paid shall be charged proportionately against the experience or reimbursable accounts of ~~his~~ **the individual's** employers in ~~his~~ **the individual's** base period (on the basis of total wage credits established in such base period) against whose accounts the maximum charges specified in this section shall not have been previously made. Such charges shall be made in the inverse chronological order in which the wage credits of such individuals were established. However, when an individual's claim has been computed for the purpose of determining ~~his~~ **the individual's** regular benefit rights, maximum regular benefit amount, and the proportion of such maximum amount to be charged to the experience or reimbursable accounts of respective chargeable employers in the base period, the experience or reimbursable account of any employer charged with regular benefits paid shall not be credited or reccredited with any portion of such maximum amount because of any portion of such individual's wage credits remaining uncharged at the expiration of ~~his~~ **the individual's** benefit period. The maximum so charged against the account of any employer shall not exceed twenty-eight percent (28%) of the total wage credits of such individual with each such employer with which wage credits were established during such individual's base period. Benefits paid under provisions of IC 22-4-22-3 in excess of the amount that the claimant would have been monetarily eligible for under other provisions of this article shall be paid from the fund and not charged to the experience account of any employer. ~~however,~~ This exception shall not apply to those employers electing to make payments in lieu of contributions who shall be charged for all benefit payments which are attributable to service in their employ. Irrespective of the twenty-eight percent (28%) maximum limitation provided for in this section, any extended benefits paid to an eligible individual based on service with a governmental entity of this state or its political subdivisions shall be charged to the experience or reimbursable accounts of the employers, and fifty percent (50%) of any extended benefits paid to an eligible individual shall be charged to the experience or reimbursable accounts of ~~his~~ **the individual's** employers in ~~his~~ **the individual's** base period, other than governmental entities of this state or its political subdivisions, in the same proportion and sequence as are provided in this section for regular benefits paid. Additional benefits paid under IC 22-4-12-4(c) **and benefits paid under IC 22-4-15-1(c)(8) shall:**

- (1) be paid from the fund; and
- (2) not be charged to the experience account or the reimbursable account of any employer.

(b) If the aggregate of wages paid to an individual by two (2) or more employers during the same calendar quarter exceeds the maximum wage credits (as defined in IC 22-4-4-3) then the experience or reimbursable account of each such employer shall be charged in the ratio which the amount of wage credits from such employer bears to the total amount of wage credits during the base period.

(c) When wage records show that an individual has been employed by two (2) or more employers during the same calendar quarter of the base period but do not indicate both that such employment was consecutive and the order of sequence thereof, then and in such cases it shall be deemed that the employer with whom the individual established a plurality of wage credits in such calendar quarter is the most recent employer in such quarter and its experience or reimbursable account shall be first charged with benefits paid to such individual. The experience or reimbursable account of the employer with whom the next highest amount of wage credits were established shall be charged secondly and the experience or reimbursable accounts of other employers during such quarters, if any, shall likewise be charged in order according to plurality of wage credits established by such individual.

(d) Except as provided in subsection (f), if an individual:

(1) voluntarily leaves an employer without good cause in connection with the work; or

(2) is discharged from an employer for just cause;

wage credits earned with the employer from whom the employee has separated under these conditions shall be used to compute the claimant's eligibility for benefits, but charges based on such wage credits shall be paid from the fund and not charged to the experience account of any employer. However, this exception shall not apply to those employers who elect to make payments in lieu of contributions, who shall be charged for all benefit payments which are attributable to service in their employ.

(e) Any nonprofit organization which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in this article is not liable to make the payments with respect to the benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in IC 22-4-4-4, nor is the experience account of any other employer liable for charges for benefits paid the individual to the extent that the unemployment compensation fund is reimbursed for these benefits pursuant to Section 121 of P.L.94-566. Payments which otherwise would have been chargeable to the reimbursable or contributing employers shall be charged to the fund.

(f) If an individual:

(1) earns wages during ~~his~~ **the individual's** base period through employment with two (2) or more employers concurrently;

(2) is separated from work by one (1) of the employers for reasons that would not result in disqualification under IC 22-4-15-1; and

(3) continues to work for one (1) or more of the other employers after the end of the base period and continues to work during the applicable benefit year on substantially the same basis as during the base period;

wage credits earned with the base period employers shall be used to compute the claimant's eligibility for benefits, but charges based on the wage credits from the employer who continues to employ the individual shall be charged to the experience or reimbursable account of the separating employer.

(g) Subsection (f) does not affect the eligibility of a claimant who otherwise qualifies for benefits nor the computation of ~~his~~ benefits.

(h) Unemployment benefits paid shall not be charged to the experience account of a base period employer when the claimant's unemployment from the employer was a direct result of the condemnation of property by a municipal corporation (as defined in IC 36-1-2-10), the state, or the federal government, a fire, a flood, or an act of nature, when at least fifty percent (50%) of the employer's employees, including the claimant, became unemployed as a result. This exception does not apply when the unemployment was an intentional result of the employer or a person acting on behalf of the employer.

SECTION 2. IC 22-4-14-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This section does not apply to an individual who is receiving benefits as determined under IC 22-4-15-1(c)(8).**

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

(1) is physically and mentally able to work;

(2) is available for work;

(3) is found by the department to be making an effort to secure full-time work; and

(4) participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the commissioner, unless the commissioner determines that:

(A) the individual has completed the reemployment services; or

(B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

The term "effort to secure full-time work" shall be defined by the board through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

~~(b)~~ (c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

(1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment; or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;

(2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;

(3) that such individual is suspended for misconduct in connection with the individual's work; or

(4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and ~~holds himself~~ **is** available for suitable full-time work with the individual's last employer, or ~~holds himself~~ **is** available for any other full-time employment deemed suitable.

~~(c)~~ (d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The board shall by rule prescribe the conditions under which approval of such training will be granted.

SECTION 3. IC 22-4-15-1, AS AMENDED BY P.L.290-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left the individual's most recent employment without good cause in connection with the work or who was discharged from the individual's most recent employment for just cause is ineligible for



waiting period or benefit rights for the week in which the disqualifying separation occurred and until the individual has earned remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of ~~his~~ **the individual's** current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. The maximum benefit amount may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from the individual's employment if:

(A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions; and thereafter was employed on said job;

(B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) the individual left to accept recall made by a base period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's employment if:

(A) the employment was outside the individual's labor

market;

(B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and

(C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

**(8) An individual shall not be subject to disqualification if the individual voluntarily left employment or was discharged due to circumstances directly caused by domestic or family violence (as defined in IC 31-9-2-42). An individual who may be entitled to benefits based on this modification may apply to the office of the attorney general to have an address designated by the office of the attorney general to serve as the individual's address for purposes of this article under IC 5-26.5.**

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer;

(3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers; or

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an employer by an employee.

SECTION 4. IC 22-4-15-2, AS AMENDED BY P.L.290-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) With respect to benefit periods established on and after July 3, 1977, an individual is ineligible for waiting period or benefit rights, or extended benefit rights, if the department finds that, being totally, partially, or part-totally unemployed at the time when the work offer is effective or when the individual is directed to apply for work, the individual fails without good cause:

(1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service;

(2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service, or an employment unit; or

(3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's



claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(c) With respect to extended benefit periods established on and after July 5, 1981, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks.

(d) If an individual failed to apply for or accept suitable work as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction shall be raised to the next higher even dollar amount. The maximum benefit amount of the individual's current claim may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(e) In determining whether or not any such work is suitable for an individual, the department shall consider:

- (1) the degree of risk involved to such individual's health, safety, and morals;
- (2) the individual's physical fitness and prior training and experience;
- (3) the individual's length of unemployment and prospects for securing local work in the individual's customary occupation; and
- (4) the distance of the available work from the individual's residence.

However, work under substantially the same terms and conditions under which the individual was employed by a base-period employer, which is within the individual's prior training and experience and physical capacity to perform, shall be considered to be suitable work unless the claimant has made a bona fide change in residence which makes such offered work unsuitable to the individual because of the distance involved. **For an individual who is not disqualified under IC 22-4-15-1(c)(8), the determination of suitable work for the individual must reasonably accommodate the individual's need to address the physical, psychological, legal, and other effects of domestic or family violence.**

(f) Notwithstanding any other provisions of this article, no work shall be considered suitable and benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.
- (2) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.
- (3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.
- (4) If as a condition of being employed the individual would be required to discontinue training into which the individual had entered with the approval of the department.

(g) Notwithstanding subsection (e), with respect to extended benefit periods established on and after July 5, 1981, "suitable work" means any work which is within an individual's capabilities. However, if the individual furnishes evidence satisfactory to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made as provided in subsection (e).

(h) With respect to extended benefit periods established on and after July 5, 1981, no work shall be considered suitable and extended benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) If the gross average weekly remuneration payable to the individual for the position would not exceed the sum of:
  - (A) the individual's average weekly benefit amount for the individual's benefit year; plus

(B) the amount (if any) of supplemental unemployment compensation benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code) payable to the individual for such week.

(2) If the position was not offered to the individual in writing or was not listed with the department of workforce development.

(3) If such failure would not result in a denial of compensation under the provisions of this article to the extent that such provisions are not inconsistent with the applicable federal law.

(4) If the position pays wages less than the higher of:

- (A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The Fair Labor Standards Act of 1938), without regard to any exemption; or
- (B) the state minimum wage (IC 22-2-2).

(i) The department of workforce development shall refer individuals eligible for extended benefits to any suitable work (as defined in subsection (g)) to which subsection (h) would not apply.

SECTION 5. IC 22-4-17-2, AS AMENDED BY P.L.290-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of ~~his~~ **the individual's** status as an insured worker in a form prescribed by the board. A written notice of the determination of insured status shall be furnished ~~him~~ **the individual** promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within twenty (20) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) **Except as provided in subsection (i),** the department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to such individual with a notice in writing of the employer's benefit liability. Such notice shall contain the date, the name and social security account number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit period. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within twenty (20) days after such notice of benefit liability was mailed to the employer's last known address, or otherwise delivered to the employer, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within twenty (20) days after the mailing of notice that a former employee has filed an initial or additional claim for benefits on a form prescribed by the board.

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3.

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof. Except as otherwise hereinafter provided in this subsection regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within twenty (20) days after such notification was mailed to the claimant's or the employer's last known address, or otherwise delivered to the claimant or the employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless such claimant or employer, within twenty-five (25) days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the commissioner in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the board may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(f) No person may participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

**(i) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made by the individual at the time of the claim for benefits, the department shall not notify the employer that a claim for benefits has been made.**

SECTION 6. IC 22-4-18-1, AS AMENDED BY P.L.290-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development.

(b) The department of workforce development may:

- (1) Administer the unemployment insurance program, the Wagner-Peyser program, the Workforce Investment Act, the Job Training Partnership Act program, including a free public labor exchange, and related federal and state employment and training programs as directed by the governor.
- (2) Formulate and implement an employment and training plan as required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).
- (3) Coordinate activities with all state agencies and departments that either provide employment and training related services or

operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of this agency imposed by this chapter, including contracts for the establishment and administration of employment and training offices and the delegation of its administrative, monitoring, and program responsibilities and duties set forth in this article. Before executing contracts described by this subdivision, the department shall give preferential consideration to using departmental personnel for the provision of services through local public employment and training offices. Contracting of Wagner-Peyser services is prohibited where state employees are laid off due to the diversion of Wagner-Peyser funds.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor or with any federal, state, or local public agency or administrative entity under the Workforce Investment Act (29 U.S.C. 2801 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), or private nonprofit organization.

(8) Enter into contracts or agreements and cooperate with entities that provide vocational education to carry out the duties imposed by this chapter.

(c) The department of workforce development may not enter into contracts for the delivery of services to claimants or employers under the unemployment insurance program. The payment of unemployment compensation must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall distribute federal funds made available for employment training in accordance with:

- (1) 29 U.S.C. 2801 et seq., 29 U.S.C. 1501 et seq., and other applicable federal laws; and
- (2) the plan prepared by the department under subsection (g)(1).

However, the Indiana commission on vocational and technical education within the department of workforce development shall distribute federal funds received under 29 U.S.C. 1533.

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development shall do the following:

- (1) Implement to the best of its ability its employment training programs (as defined in IC 20-1-18.3-3), the comprehensive vocational education program in Indiana developed under the long range plan under IC 20-1-18.3-10, and the skills 2016 training program established under IC 22-4-10.5.
- (2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.
- (3) Evaluate its programs according to criteria established by the Indiana commission on vocational and technical education within the department of workforce development under IC 20-1-18.3-13.

(4) Make or cause to be made studies of the needs for various types of programs that are related to employment training and authorized under the Workforce Investment Act and the Job Training Partnership Act.

(5) Distribute state funds made available for employment training that have been appropriated by the general assembly in accordance with:

(A) the general assembly appropriation; and

(B) the plan prepared by the department under subdivision (1).

**(6) Establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid, to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.**

SECTION 7. IC 22-4-18-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) Before March 1 of each year, the department shall determine the number of claims filed, individuals entitled to receive unemployment benefits under this article, and amount of benefits charged to the fund for those individuals who qualified for benefits due to:**

**(1) discharge; or**

**(2) leaving employment;**

**for circumstances resulting from domestic or family violence.**

**(b) The department shall submit its determination from the prior calendar year to the legislative council before June 30 of each year.**

SECTION 8. IC 22-4-19-6, AS AMENDED BY P.L.290-2001, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:**

**(1) open to inspection; and**

**(2) subject to being copied;**

by an authorized representative of the department at any reasonable time and as often as may be necessary. The commissioner, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

**(b) Except as provided in subsections (d) and (f), information obtained or obtained from any person in the administration of this article and the records of the department relating to the unemployment tax, the skills 2016 assessment under IC 22-4-10.5-3, or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except in obedience to an order of a court or as provided in this section.**

**(c) A claimant at a hearing before an administrative law judge or the review board shall be supplied with information from the records referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. The commissioner may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.**

**(d) The commissioner may release the following information:**

**(1) Summary statistical data may be released to the public.**

**(2) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the department of commerce only for the following purposes:**

**(A) The purpose of conducting a survey.**

**(B) The purpose of aiding the officers or employees of the department of commerce in providing economic development assistance through program development, research, or other methods.**

**(C) Other purposes consistent with the goals of the department of commerce and not inconsistent with those of the department.**

**(3) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the budget agency only for aiding the employees of the budget agency in forecasting tax revenues.**

**(4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:**

**(A) department of state revenue; or**

**(B) state or local law enforcement agencies;**

**only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.**

**(e) The commissioner may make information available under subsection (d)(1), (d)(2), or (d)(3) only:**

**(1) if:**

**(A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or**

**(B) there is an agreement that the employer specific information released to the department of commerce or budget agency will be treated as confidential and will be released only in summary form that cannot be used to identify information relating to a specific employer or a specific employee; and**

**(2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.**

**(f) In addition to the confidentiality provisions of subsection (b), any information furnished by the claimant or an agent to the department to verify a claim of domestic or family violence is confidential. This information shall not be disclosed to the employer or any other person. Disclosure is subject to the following restrictions:**

**(1) The claimant must be notified before any release of information.**

**(2) Any disclosure is subject to redaction of unnecessary identifying information including the claimant's address.**

**(g) An employee:**

**(1) of the department who recklessly violates subsection (a), (c), (d), or (f); or**

**(2) of any governmental entity listed in subsection (d)(4) of this chapter who recklessly violates subsection (d)(4) of this chapter;**

**commits a Class B misdemeanor.**

**(h) An employee of the department of commerce or the budget agency who violates subsection (d) or (e) commits a Class B misdemeanor.**

SECTION 9. IC 31-9-2-42, AS AMENDED BY P.L.133-2002, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 42. "Domestic or family violence" means, except for an act of self defense, the occurrence of one (1) or more of the following acts committed by a family or household member:**

**(1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification.**

**(2) Placing a family or household member in fear of physical harm without legal justification.**

**(3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.**

For purposes of **IC 22-4-15-1** and IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4.

(Reference is to HB 1558 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1619, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1657, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

BOTTORFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1683, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following: A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-9-12-1, AS ADDED BY P.L.21-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter does not apply to a ~~Class II or Class III~~ railroad as established by the Interstate Commerce Commission.

SECTION 2. IC 8-9-12-3, AS ADDED BY P.L.21-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter, "railroad" has the meaning set forth in IC 8-3-1-2. However, the term does not include a ~~Class II or Class III~~ railroad as established by the Interstate Commerce Commission.

SECTION 3. IC 8-9-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5. (a) A railroad that violates this chapter is liable to the state for a penalty of not:**

**(1) less than one hundred dollars (\$100); or**

**(2) more than five hundred dollars (\$500);**

**for each violation.**

**(b) A suit to recover the penalty set forth in subsection (a) may be brought by the attorney general in the name of the state on relation of the Indiana department of transportation in the circuit or superior court of a county through which the railroad runs or is operated.**

(Reference is to HB 1683 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1723, has had the same under consideration and begs leave to report the same back to

the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "both" and insert "**either**".

Page 2, line 1, delete "occur" and insert "**occurs**".

Page 3, delete lines 1 through 7.

Page 3, line 8, delete "9." and insert "**8.**".

Page 3, line 18, delete "10." and insert "**9.**".

Page 3, line 20, delete "9" and insert "**8**".

Page 3, line 21, delete "11." and insert "**10.**".

(Reference is to HB 1723 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1864, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Joint Resolution 6, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

PELATH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Joint Resolution 9, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 3.

PELATH, Chair

Report adopted.

Representatives C. Brown and V. Smith were excused for the rest of the day.

### HOUSE BILLS ON SECOND READING

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1561 be returned to the second reading calendar forthwith for the purpose of amendment.

HERRELL

Motion prevailed.

#### House Bill 1049

Representative Frenz called down House Bill 1049 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1104

Representative Bottorff called down House Bill 1104 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1122

Representative Porter called down House Bill 1122 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1122-1)

Mr. Speaker: I move that House Bill 1122 be amended to read as follows:

Page 3, after line 29, begin a new paragraph and insert:

**"(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for the proper sequence of education degrees under subsection (d)."**

(Reference is to HB 1122 as printed February 4, 2003.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1148

Representative Lytle called down House Bill 1148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1149

Representative Lytle called down House Bill 1149 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1282

Representative Harris called down House Bill 1282 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1282-2)

Mr. Speaker: I move that House Bill 1282 be amended to read as follows:

Page 2, line 6, reset in roman "or is tinted to".

Page 2, reset in roman lines 7 through 8.

Page 2, line 9, reset in roman "outside the vehicle. However, it is a defense if the".

Page 2, line 9, delete "so that when the".

Page 2, line 10, after "material" delete "is".

Page 2, line 10, reset in roman "has".

Page 2, line 10, delete "there is".

Page 2, line 11, reset in roman "not".

Page 2, line 12, reset in roman "at".

Page 2, line 13, reset in roman "least".

Page 2, line 13, delete "less than".

Page 2, delete lines 14 through 21.

Page 2, line 22, delete "(e)" and insert "(d)".

Page 2, line 23, delete "subsections" and insert "subsection".

Page 2, line 23, delete "and".

Page 2, line 24, delete "(d)".

Page 2, line 25, delete "(c) or (d)." and insert "(c).".

Page 2, line 42, delete "(a)".

Page 3, line 1, delete "B" and insert "A".

Page 3, delete lines 2 through 3.

(Reference is to HB 1282 as printed January 29, 2003.)

HARRIS

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1398

Representative Summers called down House Bill 1398 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1423

Representative Murphy called down House Bill 1423 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1424

Representative Pflum called down House Bill 1424 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1640

Representative Hasler called down House Bill 1640 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1695

Representative Crawford called down House Bill 1695 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1730

Representative Aguilera called down House Bill 1730 for second reading. The bill was reread a second time by title.

HOUSE MOTION  
(Amendment 1730-1)

Mr. Speaker: I move that House Bill 1730 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

Page 2, line 15, delete "its" and insert "**the commission's**".

Page 2, line 18, delete "senate," and insert "**senate**".

Page 2, line 21, delete "representatives," and insert "**representatives**".

Page 2, line 38, delete "state".

Page 4, line 29, delete "In furtherance of its purposes and duties, the" and insert "**The commission on Hispanic/Latino affairs special fund is established to provide money for special projects of the commission.**

**(b) The fund shall be administered by the treasurer of state.**

**(c) Expenses of administering the fund shall be paid from money in the fund.**

**(d) The fund consists of gifts, contributions, and money donated to the commission.**

**(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**(f) Interest accrues to the fund.**

**(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(h) Money in the fund is appropriated continuously for the purpose stated in subsection (a)."**

Page 4, delete lines 30 through 34.

(Reference is to HB 1730 as printed January 29, 2003.)

AGUILERA

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1741

Representative Scholer called down House Bill 1741 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1116

Representative Kuzman called down Engrossed House Bill 1116 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Zakas.

#### Engrossed House Bill 1164

Representative Dickinson called down Engrossed House Bill 1164 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 55, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Simpson.

### Engrossed House Bill 1438

Representative Welch called down Engrossed House Bill 1438 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Dillon.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1009, 1092, 1355, 1465, 1515, 1544, 1683, 1723, and 1864 had been referred to the Committee on Ways and Means.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1116, Roll Call 57, on February 6, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote the voting machine did not register my vote; I intended to vote yea."

FOLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 57 to 91 yeas, 0 nays.*]

### HOUSE MOTION

Mr. Speaker: I move that Representative Ayres be added as coauthor of House Bill 1059.

CHENEY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer and Thomas be added as coauthors of House Bill 1154.

HASLER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Murphy be added as coauthor of House Bill 1164.

DICKINSON

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as coauthor of House Bill 1219.

KUZMAN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1356.

V. SMITH

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Stine be added as coauthor of House Bill 1377.

DAY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1660.

DAY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1730.

AGUILERA

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1757.

KLINKER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as coauthor of House Bill 1796.

CHOWNING

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as coauthor of House Bill 1797.

CHOWNING

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Bill 1798.

BOTTORFF

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1939.

FRY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Goodin, the House adjourned at 11:35 a.m., this sixth day of February, 2003, until Monday, February 10, 2003, at 1:30 p.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

DIANE MASARIU CARTER  
Principal Clerk of the House of Representatives